

Appln. No. 10/690,141

Attorney Docket No. 5709-167

II. Remarks

Claims 1 through 24 are pending in the application. Claims 1, 3, 4, 7, 14, 19 and 24 have been amended. No new claims have been added.

Rejections Under 35 USC § 112

Claim 3 was rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the word "coating" has no antecedent basis and has been replaced with the word "layer" which has an antecedent in claim 1. The rejection of claim 3 should therefore be withdrawn.

Rejections Under 35 USC § 103

Claims 1, 2, 5 through 8, 10, 12 through 15, 17 through 20, 23 and 24 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,183,613 issued to Edwards (Edwards) in view of U.S. Patent No. 6,733,846 issued to Ruepping (Ruepping).

Edwards teaches a process for the fabrication of friction coatings for elastomeric substrates such as glass run channel gaskets for motor vehicle doors. The reference is relied upon for its disclosure of the elastomer EPDM. The relevance of the reference, however, stops at this juncture as Edwards teaches the use of such material in conjunction with a window seal which is at least partially exposed to the atmosphere and thus must exhibit good weathering condition, must be flexible to receive the opening and closing glass window and include a polyolefin compound adhered to flanges of the EPDM substrate which provides a low friction, abrasion resistant coating to the surfaces which contact the window glass.

This reference has been combined with Ruepping which discloses a UV curable elastomer composition for use as gaskets for sealing rocker covers, air intake manifolds and other components for internal combustion engines typically now made of high performance thermoplastic materials. The patent teaches that it is desirable to produce the elastomeric sealer or gasket on or within a groove in the product in situ which is referred to in column 17 as "gasketing in place." The UV curable gasket composition as recited in column 6 includes an elastomer, a multi-

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functional cross-linking agent, generally an acrylic or methacrylic cross-linking agent; and a UV initiator. Specifically as noted in column 8, the composition may contain 30 to 70 weight percent ethylene, 25 to 65 weight percent acrylate or vinyl ester, 2 to 10 weight percent glycidyl acrylate or methacrylate and 0 to 15 weight percent carbon monoxide.

From the two foregoing summaries, it is apparent that the chemical compositions, mechanical configurations and uses of the two technologies of the Edwards and Ruepping references are diverse. Moreover, while Edwards does teach the EPDM material utilized by Applicant, Applicant's attorney has carefully reviewed Ruepping and does not find the composition herein claimed (an acrylate polymer and a glycidyl acrylate polymer) taught by the reference. Thus, neither test of a proper 35 U.S.C. §103(a) obviousness rejection has been satisfied: the references individually do not teach all of the claimed features of the invention and there is clearly no suggestion in the references to combine or modify their teachings in the manner of Applicant's claimed invention. Accordingly, it is submitted that claims 1, 2, 5 through 8, 10, 12 through 15, 17 through 20, 23 and 24 recite patentable subject matter in a manner consistent with 35 U.S.C. §103(a) and should be allowed.

With regard to claims 3, 11 and 16, they were rejected as unpatentable over Edwards in view of Ruepping as applied above and further in view of Willett, U.S. Patent No. 6,849,310. Willett is relied upon by the Examiner for its teaching of a colorable exterior coating. Willett however, teaches such a coating which is achieved by applying a colliquified powder coating to surfaces of the composite strip. The patent explains that such powder coatings are finely ground plastic particles including a resin, cross-linked or thermoset powders, pigments, extenders and various flow additives and fillers to achieve specific properties. Such powder coatings are applied and then cured typically in an oven.

This application process and chemistry is distinct from the teachings of the other references and Applicant's claimed invention. Accordingly, it is not at all clear how this reference's teachings would be combined with the other references and it certainly does not render claims 3, 11, 16 and 21 obvious. Hence, these claims should be allowed.

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Notwithstanding the foregoing, several claim amendments have been undertaken to correct certain informalities in the claims and further clarify that the veneer layer is applied to an external or veneer receiving surface of the body. This veneer layer is visible to the occupant(s) of a vehicle when the trim seal or extrusion is installed therein and, when so aesthetically trimmed, the appearance of the vehicle is improved. These additions further distinguish the claims over the Ruepping reference and in the opinion of the undersigned, confirms patentability of the claims.

Allowable Subject Matter

The undersigned acknowledges the Examiner's indication of the allowability of claims 4, 9, and 22 if rewritten into independent form, including all of the limitations of any base claims. At this time, however, Applicant contends that broader coverage of the invention than that which would be obtained through acceptance of the objected to claims is appropriate. Accordingly, incorporating dependent claims 4, 9 and 22 into their respective independent claims has been deferred.

SUMMARY

Pending Claims 1 through 24 as amended are patentable. Applicant respectfully requests the Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

Nov 22, 2005
Date

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